

LOUIS M. BUBALA III, ESQ.  
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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

BRANCH BANKING & TRUST CO.,	)	Case No.: 3:12-cv-00279-MMD-VPC
	)	
Plaintiff,	)	<b>SECOND DECLARATION OF LOUIS M.</b>
vs.	)	<b>BUBALA III IN SUPPORT OF</b>
	)	<b>EMERGENCY MOTION AND</b>
BIG STUFF STORAGE LLC; MARY C.	)	<b>PROPOSED ORDER FOR</b>
MILLER; JOHN A. SCHOPF, JR.; WENDY	)	<b>TEMPORARY RESTRAINING ORDER,</b>
AUSLEN SCHOPF; and CITY OF RENO,	)	<b>PRELIMINARY INJUNCTION AND</b>
	)	<b>APPOINTMENT OF A RECEIVER</b>
Defendants.	)	

I, Louis M. Bubala III, declare as follows:

1. My law firm is counsel to Plaintiff Branch Banking & Trust Co. ("BB&T") in this case and the related bankruptcy case, *In re Big Stuff Storage LLC*, Case No. BK-N-10-50471-GWZ (Bankr. D. Nev.). I am a partner in the firm and have been lead counsel on this matter since 2010. I have been a member of the Nevada State Bar since 2004, admitted to practice before the federal courts of Nevada since 2005, and been in good standing at all times.

2. I emailed copies of the complaint, motion, Bubala declaration, Evans declaration, and exhibits between 6:45 p.m. and 7:00 p.m., Thursday, May 24, 2012, to the following people:

- a. Big Stuff managing member Alan Huber, [ajhuber@charter.net](mailto:ajhuber@charter.net).
- b. Big Stuff member Mark Huber, [mark@markhuber.com](mailto:mark@markhuber.com).
- c. Big Stuff bankruptcy counsel John Gezelin, [jgezelin@asmithlaw.com](mailto:jgezelin@asmithlaw.com), and Alan R. Smith, [mail@asmithlaw.com](mailto:mail@asmithlaw.com). I also personally provided Mr. Gezelin with hard copies of the filings at 9:15 a.m., May 25, 2012.
- d. Wayne Snyder, president/treasurer/registered agent for Z Serving, Inc., the

servicing agent for the debt owed to the Schopf/Miller defendants,  
[wayne@zlai.com](mailto:wayne@zlai.com). He orally confirmed to me receipt of the emails.

e. Susan Ball Rothe, deputy city attorney for City of Reno, [rothes@reno.gov](mailto:rothes@reno.gov). She confirmed to me receipt of the emails.

f. Christina Lovato, Ch. 7 bankruptcy trustee for Big Stuff, [trusteelovato@att.net](mailto:trusteelovato@att.net). She confirmed to me receipt of the emails.

3. On May 24-25, 2012, I received consents to the appointment of a receiver from:

a. Big Stuff, from Mr. Gezelin. Written confirmation is attached as Exhibit 1.

b. The City of Reno, from Ms. Rothe. Written confirmation is attached as Exhibit 2.

c. The Schopf/Miller defendants, from Mr. Snyder. Mr. Snyder and I spoke on the phone on May 25, 2012, and he reconfirmed his pre-litigation consent to the appointment of a receiver.

d. Trustee Lovato. Written confirmation is attached as Exhibit 2.

4. The Clerk of the Court issued the summons earlier this morning, and I am in the process of arranging official service.

5. As a clerical matter, there were duplicative exhibits filed in error with the motion (Ct. Dkt. #2). The documents contained labeled Exhibit #1, Part 2 (Ct. Dkt. #2-2) are duplicative of the duplicative of the documents contained in Exhibit #1, which lacks an exhibit sheet (Ct. Dkt. #2-1). Counsel apologizes for the error.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 25<sup>th</sup> day of May, 2012.

/s/Louis M. Bubala III

LOUIS M. BUBALA III

# EXHIBIT 1

# EXHIBIT 1

**Louis M. Bubala**

---

**From:** John Gezelin [gezelin@asmithlaw.com]  
**Sent:** Friday, May 25, 2012 10:38 AM  
**To:** Louis M. Bubala  
**Subject:** RE: Big Stuff, receivership [IWOV-IDOCS.FID1860400]

Lou,

Your understanding is correct. You are authorized to advise the court of our consent. John

---

**From:** Louis M. Bubala [mailto:LBubala@ArmstrongTeasdale.com]  
**Sent:** Friday, May 25, 2012 9:58 AM  
**To:** 'Gezelin, John J.'  
**Subject:** Big Stuff, receivership [IWOV-IDOCS.FID1860400]

John, this will confirm our conversation from your visit to my office this morning that Big Stuff consents to the appointment of a receiver. Please let me know if I have misunderstood. I will be advising the court of the consent.



Armstrong Teasdale LLP

**Louis M. Bubala III** | Partner

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5/25/2012

# EXHIBIT 2

# EXHIBIT 2

**Louis M. Bubala**

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**From:** Susan Rothe [rothes@reno.gov]  
**Sent:** Friday, May 25, 2012 8:24 AM  
**To:** Louis M. Bubala  
**Cc:** 'shipmanj@reno.gov'  
**Subject:** RE: BB&T v. Big Stuff Storage LLC [IWOV-IDOCS.FID1860400]

Lou,

You have to serve the City in accordance with State Law. However, as I indicated in our phone conference we do not object to this action. I am out of the office next week so if you need anything on this please deal with Jon Shipman. Thanks.

Susan

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Susan Ball Rothe  
Deputy City Attorney  
City of Reno  
1 East First Street, 3rd Floor  
P.O. Box 1900  
Reno, Nevada 89505  
(775) 334-2050  
FAX (775) 334-2420

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**From:** Louis M. Bubala [mailto:LBubala@ArmstrongTeasdale.com]  
**Sent:** Thursday, May 24, 2012 6:59 PM  
**To:** 'mail@asmithlaw.com'; 'Gezelin, John J.'; 'ajhuber@charter.net'; 'mark@markhuber.com'; 'wayne@zlai.com'; 'rothes@reno.gov'; 'Lovato, Christina'  
**Cc:** Barbara J. Salinas  
**Subject:** RE: BB&T v. Big Stuff Storage LLC [IWOV-IDOCS.FID1860400]

I have now emailed the filed documents. If you did not receive them, please let me know.



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**From:** Louis M. Bubala [mailto:LBubala@ArmstrongTeasdale.com]  
**Sent:** Thursday, May 24, 2012 6:49 PM  
**To:** 'mail@asmithlaw.com'; 'Gezelin, John J.'; 'ajhuber@charter.net'; 'mark@markhuber.com'; 'wayne@zlai.com'; 'rothes@reno.gov'; 'Lovato, Christina'

5/25/2012

**Cc:** Barbara J. Salinas  
**Subject:** BB&T v. Big Stuff Storage LLC [IWOV-IDOCS.FID1860400]

All: I am emailing you to notify you that I filed my complaint and motion today seeking the appointment of a receiver to manage the property as of June 1, 2012, based on the trustee's abandonment of the property after May 31, 2012. The documents and exhibits are somewhat lengthy, so I am sending them in separate emails. If you consent or do not oppose the appointment of a receiver, and can email me to confirm your position, I would greatly appreciate it.

Thank you,

Lou  
Counsel for Plaintiff  
Branch Banking & Trust Co.



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Susan Ball Rothe  
Deputy City Attorney  
City of Reno  
1 East First Street, 3rd Floor  
P.O. Box 1900  
Reno, Nevada 89505

5/25/2012

(775) 334-2050  
FAX (775) 334-2420



# EXHIBIT 3

# EXHIBIT 3

**Louis M. Bubala**

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**From:** Christina Lovato [TrusteeLovato@att.net]  
**Sent:** Thursday, May 24, 2012 7:35 PM  
**To:** Louis M. Bubala  
**Subject:** RE: BB&T v. Big Stuff Storage LLC [IWOV-IDOCS.FID1860400]

[I consent](#)

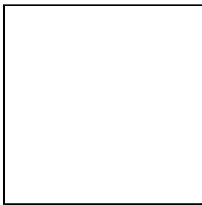
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**From:** Louis M. Bubala [mailto:LBubala@ArmstrongTeasdale.com]  
**Sent:** Thursday, May 24, 2012 6:49 PM  
**To:** mail@asmithlaw.com; 'Gezelin, John J.'; ajhuber@charter.net; mark@markhuber.com; wayne@zlai.com; rothes@reno.gov; Lovato, Christina  
**Cc:** Barbara J. Salinas  
**Subject:** BB&T v. Big Stuff Storage LLC [IWOV-IDOCS.FID1860400]

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Thank you,

Lou  
Counsel for Plaintiff  
Branch Banking & Trust Co.



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